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Attorneys for Respondents

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

QIN CHEN,

Petitioner,

v.

MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security;
 EMILIO T. GONZALEZ, Director of the
 U.S. Citizenship and Immigration Services;
 CHRISTINA POULOS, Acting Director of
 USCIS, California Service Center, and
 ROBERT S. MUELLER, Director
 of Federal Bureau of Investigations;

Respondents.

No. C 07-2188 JSW

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT; and
 [proposed] ORDER**

1. Jurisdiction and Service: All parties have been served. Plaintiff brought this complaint under the mandamus statute and under the Administrative Procedure Act. Respondents will argue that the Court lacks jurisdiction to compel Respondents to act in this case.

2. Facts: On May 3, 2005, Petitioner filed a Form I-485 application for adjustment of status to Legal Permanent Resident with USCIS, based on her employment. On April 20, 2007, Petitioner filed this Complaint for a Writ in the Nature of Mandamus, alleging that Defendants are unlawfully withholding or unreasonably delaying action on her application, and asking the Court to compel USCIS to adjudicate her application for adjustment of status. Petitioner's name check is

1 still pending with the Federal Bureau of Investigations. Plaintiff alleges that USCIS has failed to
2 timely renew her Employment Authorization Documents over the past two years.

3 3. Legal Issues: The principal legal issue the parties dispute is whether the Court has
4 jurisdiction to compel agency action in this case and if so, whether Respondents' delay, as a matter
5 of law, is arbitrary and not in accordance with the law.

6 4. Motions: The parties intend to file cross-motions for summary judgment and will ask for a
7 hearing date at the case management conference.

8 5. Amendment of Pleadings: None.

9 6. Evidence Preservation: None.

10 7. Disclosures: The parties agree that this Court's review will be confined to the
11 administrative record and therefore this proceeding is exempt from the initial disclosure
12 requirements under Fed. R. Civ. P. 26.

13 8. Discovery: There has been no discovery to date and the parties believe this matter can be
14 resolved without discovery.

15 9. Class Actions: Not applicable.

16 10. Related Cases: None.

17 11. Relief: Petitioner asks that the Court direct USCIS to adjudicate her adjustment of status
18 application and asks for an award of reasonable costs.

19 12. Settlement and ADR: Due to the nature of this litigation the parties will ask to be exempt
20 from the formal ADR process.

21 13. Consent to Magistrate Judge for All Purposes: The parties consent to magistrate judge
22 jurisdiction.

23 14. Other References: None.

24 15. Narrowing of Issues: None.

25 16. Expedited Schedule: The parties believe this matter can be solved through cross-motions
26 for summary judgment.

27 17. Scheduling: The parties will ask for a hearing date on cross-motions for summary
28 judgment at the initial case management conference.

1 18. Trial: The parties believe the matter can be resolved through motions.

2 19. Disclosure of Non-party Interested Entities or Persons: None.

3 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
4 matter: None.

5 Dated: July 16, 2007

Respectfully submitted,

6 SCOTT N. SCHOOLS
7 United States Attorney

8 /s/
9 EDWARD OLSEN
10 Assistant United States Attorney
11 Attorneys for Defendants

12 Dated: July 16, 2007

13 /s/
14 QIN CHEN
15 *Pro Se*

16 **CASE MANAGEMENT ORDER**

17 The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as
18 the Case Management Order for the case, and the parties are ordered to comply with this Order.

19 Dated:

20 JEFFREY S. WHITE
21 United States District Judge
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